

The Manual of Patent Examining Procedure (MPEP), Eight Edition, August 2001, §2131, specifies that a given claim is anticipated “only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference,” citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the “identical invention . . . in as complete detail as is contained in the . . . claim,” citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). For the reasons identified below, Applicants submit that the Examiner has failed to establish anticipation of claims 1-4, 6 and 9 by the Tso reference.

Independent claim 1 is directed to an apparatus for use in a computer network. The apparatus comprises at least one server within the network, the server being operative to process a client request generated by a client device to determine a particular client type associated with the client device, to retrieve web content identified in the client request, to retrieve one or more augmentation files associated with at least one of the web content and the particular client type, and to alter the retrieved web content in accordance with the one or more augmentation files, wherein the altered web content is delivered to the client device. The claim also specifies that the server parses the retrieved web content into one or more component structures, and subsequently applies a pattern matching process to recognize designated component structure subject to alteration in accordance with the one or more augmentation files.

Thus, the claim calls for a server that retrieves not only web content, but also one or more augmentation files associated with at least one of the web content and the particular client type. Furthermore, the claimed server, subsequent to parsing of the retrieved web content into component structures, applies the pattern matching process to recognize designated component structure subject to alteration in accordance with the one or more augmentation files.

The Tso reference fails to meet the above-noted limitations of claim 1, and in fact teaches away from the claim limitations.

The Examiner argues that the claimed server is met by the transcoding server 34 shown in FIG. 3 of Tso and described in the associated text in columns 3, 4, 6, 10 and 14. However, the relied-upon portions fail to disclose a server that operates in the manner claimed.

For example, there is no reference in the relied-upon portions of Tso regarding a server which retrieves not only web content, but also one or more augmentation files associated with at least one of the web content and the particular client type. Instead, Tso in column 3, lines 45-54, provides as follows, with emphasis supplied:

Looking more closely at the embodiment in FIG. 3, transcoder 20 is coupled to HTTP remote proxy 36. Parser 22 manages the transcoding of data to be transmitted from transcoding server 34 to network client 12. To this end, parser 22 controls transcode service providers 24 to selectively transcode content based on a predetermined selection criterion. For example, one or more transcode service providers 24 may provide the capability to compress and/or scale different types of data content, such as image, video, or HTML (HyperText Markup Language).

Since Tso discloses an arrangement in which content is transcoded “based on a predetermined selection criterion,” there is no retrieval of one or more augmentation files associated with at least one of the web content and the particular client type, as recited in the claim. In fact, transcoding “based on a predetermined selection criterion” as described in Tso is a direct teaching away from the claimed invention, since it is performed in a manner which would render it entirely unnecessary to retrieve one or more augmentation files associated with at least one of the web content and the particular client type.

It is also interesting to note that Tso in column 6, lines 37-39, teaches that the parser 22 of the transcoding server 34 selects particular transcode service providers 24 in the following manner, with emphasis supplied:

Parser 22 selects an appropriate transcode service provider 24 based, for example, on the content type of the data stream.

Again, there is no disclosure regarding the claimed retrieval of one or more augmentation files associated with at least one of the web content and the particular client type.

Furthermore, Tso fails to teach or suggest a server which, subsequent to parsing of the retrieved web content into component structures, applies a pattern matching process as claimed to recognize designated component structure subject to alteration in accordance with the one or more augmentation files. There is absolutely no mention whatsoever in Tso regarding pattern matching, much less the claimed use of pattern matching subsequent to parsing to recognize designated component structure subject to alteration.

Accordingly, since Tso fails to meet each and every limitation of claim 1, claim 1 is not anticipated by Tso.

Dependent claims 2-7, 9-12 and 15 are believed allowable for at least the reasons identified above with regard to claim 1. The Mohan, Li and Himmel references cited by the Examiner fail to supplement the fundamental deficiencies of Tso as applied to claim 1. The §103(a) rejections of dependent claims 4, 5, 7, 10-12 and 15 over Tso in combination with Mohan, Li or Himmel are therefore respectfully traversed.

Independent claims 18-20 each include limitations similar to claim 1, and are believed allowable for substantially the same reasons that claim 1 is believed allowable.

With regard to independent claim 13, this claim calls for a virtual client device having a combination of a plurality of different sets of features provided by multiple distinct physical client devices. An illustrative example of such an arrangement is described in the present specification at page 11, lines 17-20. It is important to note that the term “virtual” in this context means something other than a physical client device. In formulating the §103(a) rejection of claim 13 over a proposed combination of Tso and Himmel, the Examiner argues that Himmel in column 1, lines 40-55, and column 6, lines 28-67, shows the claimed virtual device. Applicants respectfully disagree. The relied-upon portions of Himmel relate to actual physical devices, such as devices 101, 103, 105 and 107 of Himmel FIG. 3, and not a virtual device as claimed. The collective disclosure of the proposed combination of Tso and Himmel thus fails to meet the limitations of independent claim 13.

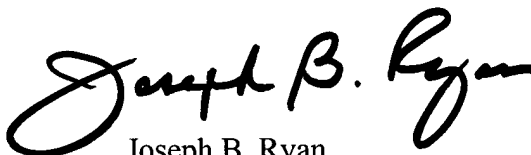
Independent claim 14 includes limitations similar to those of claim 13, and is believed allowable for the reasons identified above.

With regard to independent claims 16 and 17, the limitations therein relating to default augmentation files are not disclosed in the collective teachings of the cited references, taken alone

or in any combination. The Examiner fails to address these particular limitations with an appropriate level of specificity, and Applicants have been unable to find the limitations in the proffered set of references.

In view of the foregoing, Applicants respectfully request the withdrawal of the §102(e) and §103(a) rejections. The pending claims 1-7 and 9-20 are believed to be in condition for allowance, and such favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph B. Ryan". The signature is fluid and cursive, with the first name "Joseph" being the most prominent part.

Date: April 8, 2004

Joseph B. Ryan
Attorney for Applicant(s)
Reg. No. 37,922
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-7517